

REMARKS

Claims 1-22 are pending in this application. By this Amendment, claim 15 is amended for purposes of clarity. Reconsideration and allowance of this application in view of the following remarks is respectfully requested.

CLAIM REJECTIONS - 35 U.S.C. § 112

Claims 8, 9, 19 and 20 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner states that “the buffer manager measures a distance between earliest detected out of sequence packet and a beginning of the buffer, and the buffer manager controls the playback device to decrease the playback speed when the distance is less than a pre-determined distance” (as recited in claim 8 and 19) was not adequately described in the instant specification. Applicants respectfully traverse.

Applicants submit that paragraphs [0020]-[0028], for example, adequately describe the above features. Specifically, paragraphs [0021] and [0025] in the specification describe that when an out-of-sequence packet is detected in a jitter buffer 100, a placeholder NULL packet is created in its place (defined as parameter T_{early}). When a NULL packet location 125 is more than T_{early} packet from the head of the jitter buffer 100 (i.e., the earliest packet in the jitter buffer 100), then the playback speed control can be disabled by a jitter buffer manager 300. The jitter buffer manager 300 checks the current state of the VSP device 200, and if the current speed setting is nominal, the jitter buffer manager 300 computes a difference D between the head of the jitter buffer 100 and the location of the earliest NULL packet 100. If the difference D is greater than T_{early}, there is no state change (i.e., the playback speed remains nominal). If difference D is less than or equal to T_{early}, the jitter buffer manager 300 then changes the playback speed of the VSP device 200, for example. Thus, the “distance” as found in claims 8, 9, 19 and 20 is the difference between the earliest detected out of sequence packet and the beginning of the buffer.

Accordingly, Applicants submit that the specification clearly and adequately defines the subject matter as described in claims 8, 9 19 and 20. Withdrawal of the rejection is respectfully requested.

CLAIM REJECTIONS - 35 U.S.C. § 102

Claims 1-7, 10-18, 21 and 22 are rejected under 35 U.S.C. §102 (e) as being anticipated by Shlomot, USP 6,377,931. This rejection is respectfully traversed.

Applicants submit that Shlomot fails to disclose or suggest a system to compensate for the effects of packet delay on a voice over the internet protocol (VoIP) system, comprising, *inter alia*, a buffer manager for detecting packet jitter in the buffer and for sending commands to the playback device to adjust playback speed based on the detection, as recited in claim 1, and as similarly recited in claim 15.

Instead, Shlomot discloses:

In a speech communications network, continuous play of audio packets is achieved using a jitter buffer in a receiver. Audio packets are stored in the jitter buffer before decoding the audio packets into an audible output. When the level of stored audio packets approaches the full capacity of the jitter buffer, the rate at which the audio packets are played out of the jitter buffer is increased signaling a compression operation in the decoder. When the level of stored audio packets approaches an empty level of the jitter buffer, the rate which the audio packets are played out of the jitter buffer is reduced signaling an expansion operation in the decoder. Audio packets are not modified when the level of stored audio packets is within a predetermined range. A speed controller is provided to instruct the decoder to decode the audio packets according to either a compressed, expanded or normal audio packet status (Abstract)

In other words, Shlomot discloses sending instructions to a *decoder* 240 to decode the audio packets for adjusting the playback speed, rather than sending commands related to adjusting the playback speed to a playback device.

Because Shlomot fails to disclose each and every features of the claimed invention, Shlomot cannot anticipate the claimed invention as recited in claim 1. Claims 2-7, 10-14, 16-18 and 21 and 22 are also allowable by virtue of their dependency on either independent claims 1 or 15, and for the features recited therein. Withdrawal of the rejection is respectfully requested.

CONCLUSION

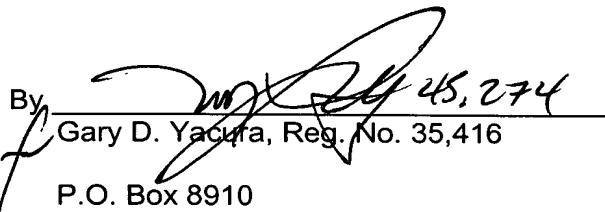
Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of each of claims 1-22 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By  45,274
Gary D. Yacura, Reg. No. 35,416

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

GDY/MJL/DJC/cm